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Defense Nuclear Facilities Safety Board
Public Meeting-July 18, 1995
on
Standards-Based Safety Management

DOE Order Revision Process and DOE Board Staff-Related Discussions

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Introduction

At our last public hearing on May 31, 1995, I described the current DOE Order system whereby DOE establishes safety standards and requirements for its nuclear facilities. As I mentioned at that meeting, DOE is engaged in a process of replacing the existing set of DOE safety orders. DOE is converting some of its existing nuclear safety orders to regulations (rules) to be published in the Code of Federal Regulations (CFR). Additionally, DOE has embarked on an order reduction effort in which DOE intends to revise existing nuclear safety orders- those which are not to be converted to rules- into a new DOE directive system in which DOE orders will be revised and simplified.

My purpose here today is to provide you with an update on the staff's activities to date in reviewing and assessing DOE proposed changes and to indicate to you some of the activities which will take place in the near future as the new DOE system comes more clearly into focus.

With respect to the new DOE Orders, DOE has stated that its primary objectives are to eliminate redundancy and duplication, and to separate actual "requirements" from "guidance." DOE maintains that by mixing these two categories in the existing orders, problems have been created for its employees and for its contractors in interpreting what is an actual requirement as distinguished from suggested guidance.

I should point out the Nuclear Regulatory Commission (NRC) uses a similar method to specify requirements and guidance to its licensees. In this case, the NRC publishes, through a rule making process, its requirements in the Code of Federal Regulations. As to guidance, the NRC publishes, among other things, regulatory guides (reg. guides). The practices enunciated in the reg. guides are those that the NRC states are acceptable methods for meeting its requirements. If the licensee chooses to adopt the method described in the reg. guide, then NRC states clearly that this approach will satisfy the applicable NRC requirement. If, however, the licensee proposes another method, the licensee has to demonstrate to the NRC that the alternative method is at least as good as that described in the reg. guide.

I believe that DOE intended to put forward safety guides or implementation guides with its rules and orders which has a similar character to that of the NRC.

The Board staff has obtained draft copies of many DOE proposed rules, draft Orders, safety guides and implementation guides. Since the last public meeting, the staff has reviewed each of these items and has compared them to the existing DOE order system in place today. The staff has also conducted discussions with DOE staff members and DOE contractors responsible for both the existing system and for the proposed changes.

DOE Proposed Changes

The proposed rules and draft orders which the staff has reviewed are listed below - many also include guides and standards, which have also been reviewed by the staff.

Rule Number**Rule Title**

10CFR 830 110	Safety Analysis Reports
10CFR 830 112	Unreviewed Safety Questions
10CFR 830.310	Conduct of Operations
10CFR 830 320	Technical Safety Requirements
10CFR 830 330	Training and Qualification
10CFR 830 340	Maintenance Management
10CFR 830 350	Operational Occurrence Reporting
10CFR 834	Radiation Protection for Public and the Environment

Order Number**Order Title**

Order 210	Performance Indicators and Analysis of Operational Information
Order 250	Assessment
Order 260	Safety and Health Reporting requirements
Order 430.1	Life Cycle Asset Management
Order 420	Facility Safety
	-Fire Protection
	-Nuclear Criticality Safety
	-Natural Phenomena Hazards
	-Nuclear Reactor Design Criteria
	-Non-reactor Nuclear Facilities Design Criteria
Order 440	Startup and Restart of Nuclear Facilities
Order 441	Accident Investigation Requirements
Order 470	Worker Protection
Order 470.1	Waste Management
(5820.2B)	
Order 490	General Environmental Protection Program
Order 491	NEPA Compliance Program
Order 4120	Packaging and Transportation Safety
Order 5500.4B	Public Affairs Policy and Planning Requirements for Emergencies
Order 5500.1C	Emergency management System
Order 5500.3B	Planning and Preparedness for Operational Emergencies
Order 5500.10A	Emergency Readiness Assurance program
FAR Manual	Manual of Functions, Assignments and Responsibilities for Nuclear Safety

General Observations

I would like to provide some general observations first, which I will follow with specific remarks.

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In general, it is the staff's impression, after extensive review and discussion with DOE staff, that the staff that DOE has utilized for the effort has been well versed in the subject matter and has, for the most part, had sufficient experience, knowledge and history in the particular subject. It is also the staff's opinion, however, that DOE needs to take more time and care to analyze the existing set of requirements and guidance before embarking on wholesale changes.

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The requirements contained in some versions of proposed Rule (or Draft Order) which Board staff have reviewed, when analyzed together with associated guidance does not represent a sufficient balance of requirements and guidance for defining the basis for adequate protection of the health and safety of the worker, public, and environment. Board staff has also determined that, in the versions of the documents that we have reviewed, technically sound safety requirements contained in existing DOE orders have been eliminated without adequate technical justification to date.

Another comment that was stated over and over again was that many items which both the Board staff and DOE staff considered to be requirements were still to be found in guidance documents. It has been the staff position that requirements should be found in the rule or order and that guidance is just what DOE says it is. That is, guidance, or perhaps it is an acceptable approach--but it is not the only way a contractor can meet a specific requirement.

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For the purpose of summarizing the status of our review, I believe that the current proposed rules and draft orders could be placed into 3 categories. The first category contains those items for which the staff finds no significant shortcomings. There are only 4 items in this category. The Second category contains those items for which changes could be made easily if DOE agreed with the staff comments. There are approximately 11 items in this category. The Third category contains those items for which extensive work is required by DOE to improve the rule or order. There are approximately 10 items in this category. Furthermore, many of these items have over-arching significance and will result in interactions with the other items.

I would also like to state that DOE should consider this rule/order system as a complete system. Accordingly, DOE should carefully evaluate whether they should wait until the full set is finished before publishing them, rather than publishing them in a piecemeal fashion.

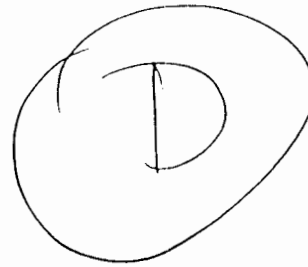
If you would like, I am prepared to make some comments on particular proposed rules and draft orders.

Process for Resolving Comments and Possible Future Actions

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At the present time, our staff comments are being evaluated by DOE. DOE is also evaluating comments that it has received from its field offices, program offices, contractors and laboratories. DOE has established a "Directives Management Board" (DMB) chaired by the Under Secretary of Energy, with members consisting of the Cognizant Assistant Secretaries and the DOE General Counsel to review and evaluate those issues that cannot be resolved at a lower level. The first meeting of the DMB is scheduled for July 31, 1995. At this time I am not clear

which issues may be addressed by the DMB or how often they may meet.

I do expect, however, a continuing interchange between Board staff and DOE staff to discuss and resolve outstanding issues.



**TESTIMONY ON THE INTEGRATED MANAGEMENT OF
RESEARCH AND DEVELOPMENT SAFETY**

This testimony was presented to the DNFSB during a public hearing
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